

FIRST REGULAR SESSION

HOUSE BILL NO. 278

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORNEJO.

0978L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to fines and court costs for moving violations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341, to read as follows:

302.341. 1. If a Missouri resident charged with a moving [traffic] violation, **as defined in section 302.010**, of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 disposition, or satisfactory evidence of disposition of pending charges and payment of fine and
19 court costs, if applicable, is furnished to the director by the individual. The filing of financial
20 responsibility with the bureau of safety responsibility, department of revenue, shall not be
21 required as a condition of reinstatement of a driver's license suspended solely under the
22 provisions of this section.

23 2. If any city, town, village, or county receives more than thirty percent of its annual
24 general operating revenue from fines and court costs for [traffic] **cited moving** violations,
25 including amended charges from any [traffic] **moving** violation, occurring within the city, town,
26 village, or county, all revenues from such violations in excess of thirty percent of the annual
27 general operating revenue of the city, town, village, or county shall be sent to the director of the
28 department of revenue and shall be distributed annually to the schools of the county in the same
29 manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal
30 laws of the state are distributed. The director of the department of revenue shall set forth by rule
31 a procedure whereby excess revenues as set forth above shall be sent to the department of
32 revenue. If any city, town, village, or county disputes a determination that it has received excess
33 revenues required to be sent to the department of revenue, such city, town, village, or county may
34 submit to an annual audit by the state auditor under the authority of Article IV, Section 13 of the
35 Missouri Constitution. An accounting of the percent of annual general operating revenue from
36 fines and court costs for [traffic] **moving** violations, including amended charges from any
37 charged [traffic] **moving** violation, occurring within the city, town, village, or county and
38 charged in the municipal court of that city, town, village, or county shall be included in the
39 comprehensive annual financial report submitted to the state auditor by the city, town, village,
40 or county under section 105.145. Any city, town, village, or county which fails to make an
41 accurate or timely report, or to send excess revenues from such violations to the director of the
42 department of revenue by the date on which the report is due to the state auditor shall suffer an
43 immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all
44 [traffic-related] **moving violation-related** charges until all requirements of this section are
45 satisfied. **For purposes of this section, "annual general operating revenue" means revenue**
46 **that can be used to pay any bill or obligation of a city, town, village, county, or other**
47 **political subdivision, including general sales tax, general use tax, general property tax, fees**
48 **from licenses and permits, fines, and penalties. General operating revenue does not include**
49 **designated sales or use taxes, user fees, grant funds, or other revenue designated for a**
50 **specific purpose.** Any rule or portion of a rule, as that term is defined in section 536.010, that
51 is created under the authority delegated in this section shall become effective only if it complies
52 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
53 This section and chapter 536 are nonseverable and if any of the powers vested with the general

54 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a
55 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
56 proposed or adopted after August 28, 2009, shall be invalid and void.

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